

Minutes of Meeting  
Bethel Center- 28307 Clayton Street  
Monday, October 26, 2015

I.Call meeting to Order:

Vice Mayor Baull called the October 26, 2015 meeting to order at 6:00p.m. Those in attendance were Vice Mayor Baull, Councilman Miller, Councilman Chandler, Councilwoman Ulrich, Town Administrator Stacey Long, Chief Toomey, Kyle Gulbranson from AECOM, Attorney Witsil and others listed on the sign in sheet.

II.Public Comment:

There was no public comment from the audience.

III.Presentation of Certificate:

The Town of Dagsboro presented a certificate in memory of Herbert K. Disharoon for his services in the town. His son, Dean Disharoon, was there to receive the certificate in his honor.

IV.Public Hearing

An ordinance to amend the Dagsboro Code by adding a new Chapter 288 entitled "Dagsboro Freedom of Information Act Provisions," which chapter incorporates by reference the Delaware Freedom of Information Act, Title 29, Chapter 100 and, additionally adjusts certain policies and provisions specific to Dagsboro's Policy.

There was no public comment for the ordinance. Councilman Chandler asks Stacey if she is the FOIA Coordinator for the town. She answers yes. He also asks if it was stated on the town's website. She states that it is on the website and is maintaining a log. Councilman Chandler made a motion to approve the ordinance to add a new Chapter 288 regarding FOIA. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

V.Approval of Minutes:

- a. Regular Session- September 28, 2015
- b. Executive Session- September 28, 2015

Regular session minutes are still being transcribed. Councilman Chandler made a motion to approve the executive session minutes from September 28, 2015. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

VI.Consent Agenda:

Councilman Chandler asks if the individual who ran into the cemetery wall has insurance to cover the damages. Chief informs Council that the State Police investigated the incident. At the time of the accident the person did not have proof of insurance. The individual has been charged with having no insurance. Stacey has been in touch with the insurance company and has filed a claim. She has received a proposal from Czapp Masonry and the repairs plus clean-up will be approximately \$7,200.00. Cleanup is included, plus the split rail fence has to be repaired. No headstones were damaged. Councilman Chandler asked Stacey to inquire about bollards being placed in front of the cemetery wall.

Chief informs the Council that there has been approximately 35 complaints in the last 18 months in an establishment in town. There is a lot of town police coverage that is required during the weekends to respond to these complaints. Chief asks the Council if they would be able to draft some kind of ordinance that requires establishments to pay a fee for the excessive complaints within the police force.

Stacey informs the Council that she placed the order on October 9<sup>th</sup> for the sump pump for the interconnect pit. After the expected delivery date came and went, she called and was told that the order was never filled. She will wait for the money to be refunded on the town's credit card and once she receives that confirmation, she will place the order again. The Town of Millsboro has informed her that the meter is functioning once again. She will hold off on having the meter taken apart and cleaned since it is working again. She will have maintenance check on the meter once per week to confirm that it is accurately functioning. Councilman Chandler made a motion to approve the consent agenda. It was seconded by Councilman Miller. All were in favor. Motion carried.

VII.Planning Commission Report:

No meeting was held in October.

VIII.New Business:

- a. Consideration of setting a public hearing on the request of adding Motorcycle Repair & Sales as a permitted use in the Town Center Zoning District  
Councilman Chandler suggests this item to go before the planning commission. Seven Baker the representative for the repair shop was present at the meeting. Mr. Baker is now currently located in Selbyville on Route 54 since 2003. Councilman Chandler made a motion to send the item to the Planning Commission. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.
- b. Consideration of purchase of 2 computer printers for town Hall.  
Stacey found two printers on Amazon for \$133.80. The two pack of 4 cartridges each for \$73.92 for a total of \$207.72. Money was set aside in the budget that was approved. Councilwoman Ulrich informed Stacey that Staples was having a sale. Councilman Chandler made a motion to approve the purchase of two printers and the necessary ink cartridges. It was seconded by Councilman Miller. All were in favor. Motion carried.
- c. Consideration of appointment of James Thompson as a member of the Planning Commission for a three year term.  
The Planning Commission currently has 3 members. The ordinance that was just adopted in 2014 states 5 members. The Planning Commission does have a quorum but all 3 members must be present at the meetings. Councilman Miller made a motion to approve Mr. Thompson for a 3 year term on the Planning Commission. It was seconded by Councilwoman Ulrich. Councilman Chandler abstained from voting with a 3 in favor vote. Motion carried.
- d. Appointment of Board of Election members  
The 3 people who have agreed to serve on the Board of Elections are Jo Montague, Brad Connor and Marjie Eckerd. Councilman Chandler made a motion to approve the three volunteers. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.
- e. Consideration of having Sussex County apply for Community Development Block Grant funding for Dagsboro for housing rehabilitation for qualified residents.

Stacey informs Council that there are currently five people on the list. A public hearing has to be held and the paperwork has to be completed by the beginning of the year. There are several requirements that must be met to qualify for the funding. The Town would have to pay for the advertising of the public hearing and to hold the public hearing. Councilman Chandler made a motion to move forward with the application for the block grant. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

#### IX. Old Business

- a. Vote an ordinance to amend Chapter 275-17 (A ) entitled "HC- Highway Commercial District by adding to the permitted uses of subsection (23) the permitted use of "massage spas exclusively providing massage services performed by a professionally licensed massage therapist"

It was asked what the licensing requirements are. Mr. Crane a representative for the massage spa informs Council that there are two levels of licensing. Stacey informs Council that a question of the Planning Commission was asking if a technician would be there instead of a licensed therapist. Chairman Crater of Planning & Zoning called the State and they stated that a technician could not be the one to open the business and perform the massages without a licensed therapist. Councilman Chandler states that the Planning Commission's decisions hold some weight before the Council. He also stated that the interest of the public would be better served by those who are licensed with authority to do the job. Councilman Chandler would not be in favor of amending the town's ordinance for massage parlors in the Town of Dagsboro. Councilwoman Ulrich agreed, Councilman Miller doubts that he would vote against the Planning Commission and Vice Mayor Baull does not want what is happening in other town's happening in Dagsboro. Vice Mayor Baull is not in favor of voting for the massage spa. Councilman Chandler made a motion to deny the application to approve a change to the Highway Commercial District Zoning to permit massage spas. It was seconded by Councilman Miller. All were in favor. Motion carried.

#### X. Public Comment:

Cathy Flowers states she thinks the traffic has gotten worse since the radar signs were installed in town. Chief informs Council that he has conducted a survey since the radar signs have been in town. He states that the speeding has slowed down and so has the officers writing tickets for speeding.

#### XI. Adjournment:

Councilman Chandler made a motion to adjourn the meeting at 7:00 p.m. and it was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

Respectfully Submitted,

Autumn Gardner, Town Clerk

